ESTTA Tracking number:

ESTTA428498

Filing date:

09/02/2011

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

| Proceeding. | 91162503 |
|-------------|--|
| Applicant | Plaintiff St. Louis Cardinals LLC |
| Other Party | Defendant Negro Leagues Baseball Museum, Inc. |

Motion for an Extension of Discovery or Trial Periods With Consent

The Close of Plaintiff's Trial Period is currently set to close on 11/16/2011. St. Louis Cardinals LLC requests that such date be extended for 90 days, or until 02/14/2012, and that all subsequent dates be reset accordingly.

Discovery Period to Close: CLOSED

Thirty-day testimony period for party in position of 02/14/2012

plaintiff to close:

Thirty-day testimony period for party in position of

04/14/2012

defendant to close:

Fifteen-day rebuttal testimony period to close: 05/29/2012

The grounds for this request are as follows:

- Parties are engaged in settlement discussions
- The requested time is sought to allow the parties to respond to recently served discovery requests. The applicant served interrogatories and document requests on Opposer by mail on August 15, 2011. Opposer served interrogatories, document requests and requests to admit on Applicant by mail on August 17, 2011. These discovery requests cover a very long period of time and ask for a great deal of information and documentation. The parties will need more time in which to gather responsive material and information. Additionally, the relevant in-house counsel in Opposer#s in-house Legal Group, who will be responsible for overseeing the gathering of such information, have been on vacation in August and early September, and, upon their return, due to the upcoming MAJOR LEAGUE BASEBALL Postseason games and events, will be extremely busy in connection with clearance of various marks that may be used during this time, as well as with the extensive enforcement and anti-counterfeiting efforts engaged in by such inhouse counsel throughout the country, including traveling to the various cities in which MLB Postseason games occur. In addition, various MLB business people having access to relevant information and documents will also likely be traveling during this time. Accordingly, the parties wish to allow each other a 90-day extension in which to respond to each other's discovery requests and thus need to extend the trial period deadlines by a similar period. Additionally the parties have made progress in settlement discussions. In-house counsel for Opposer has had discussions with in-house and outside counsel for Applicant and re-drafted and sent a revised agreement this summer to Applicant following those discussions. That proposed draft is currently under review by Applicant.
- St. Louis Cardinals LLC has secured the express consent of all other parties to this proceeding for the extension and resetting of dates requested herein.
- St. Louis Cardinals LLC has provided an e-mail address herewith for itself and for the opposing party so that any order on this motion may be issued electronically by the Board.

Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Respectfully submitted.

/Robert Riether/ Robert Riether rar@cll.com, trademark@cll.com, jmn@cll.com, mel@cll.com mme@hoveywilliams.com 09/02/2011